

**United States District Court  
District of Massachusetts (Boston)  
CIVIL DOCKET FOR CASE #: 1:22-cv-11825-AK**

Klein v. Jelly Belly Candy Company  
Assigned to: District Judge Angel Kelley  
Demand: \$9,999,000  
Case in other court: Suffolk County Superior Court, 2284CV02227  
Cause: 28:1332 Diversity--(Citizenship)

Date Filed: 10/25/2022  
Date Terminated: 01/06/2023  
Jury Demand: None  
Nature of Suit: 320 Assault Libel & Slander  
Jurisdiction: Diversity

**Plaintiff**

**David Klein**

represented by **Farva Jafri**  
Jafri Law Firm  
50 Evergreen Row  
Armonk, NY 10504  
800-593-7491  
Fax: 224-228-6721  
Email: ehussain@lookingglassfinancial.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**Jelly Belly Candy Company**

represented by **David G. Thomas**  
Greenberg Traurig, LLP  
One International Place  
20th Floor  
Boston, MA 02110  
617-310-6000  
Fax: 617-310-6001  
Email: thomasda@gtlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Eric D. Wong**  
Greenberg Traurig, P.A.  
500 Campus Drive  
Suite 400  
Florham, NJ 07932  
973-360-7900  
Email: wonge@gtlaw.com  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Kurt A. Kappes**  
Greenberg Traurig LLP  
1201 K. Street  
Suite 1100  
Sacramento, CA 95814

Email: kappesk@gtlaw.com

**LEAD ATTORNEY****PRO HAC VICE****ATTORNEY TO BE NOTICED****Angela Bunnell**

Greenberg Traurig, LLP

One International Place

20th Floor

Boston, MA 02110

617-310-5202

Email: bunnella@gtlaw.com

**ATTORNEY TO BE NOTICED**

Email All Attorneys

Email All Attorneys and Additional Recipients

Date Filed	#	Docket Text
10/25/2022	<u>1</u>	NOTICE OF REMOVAL by Jelly Belly Candy Company ( Filing fee: \$ 402, receipt number AMADC-9558093 Fee Status: Filing Fee paid) (Attachments: # <u>1</u> Exhibit Exhibit A to Notice of Removal, # <u>2</u> Exhibit Exhibit B to Notice of Removal (, # <u>3</u> Civil Cover Sheet Civil Action Cover Sheet, # <u>4</u> Civil Cover Sheet Category Form)(Thomas, David) (Entered: 10/25/2022)
10/25/2022	<u>2</u>	NOTICE of Appearance by David G. Thomas on behalf of Jelly Belly Candy Company (Thomas, David) (Entered: 10/25/2022)
10/25/2022	<u>3</u>	CORPORATE DISCLOSURE STATEMENT by Jelly Belly Candy Company. (Thomas, David) (Entered: 10/25/2022)
10/25/2022	<u>4</u>	NOTICE of Appearance by Angela Bunnell on behalf of Jelly Belly Candy Company (Bunnell, Angela) (Entered: 10/25/2022)
10/26/2022	<u>5</u>	ELECTRONIC NOTICE of Case Assignment. District Judge Angel Kelley assigned to case. If the trial Judge issues an Order of Reference of any matter in this case to a Magistrate Judge, the matter will be transmitted to Magistrate Judge M. Page Kelley. (Finn, Mary) (Entered: 10/26/2022)
10/26/2022	<u>6</u>	Certified Copy of Notice of Removal Provided to Defense Counsel by Email (Warnock, Douglas) (Entered: 10/26/2022)
11/01/2022	<u>7</u>	MOTION to Transfer Case <i>or in the Alternative to Dismiss the Complaint</i> to Eastern District of California. by Jelly Belly Candy Company.(Thomas, David) (Entered: 11/01/2022)
11/01/2022	<u>8</u>	MEMORANDUM in Support re <u>7</u> MOTION to Transfer Case <i>or in the Alternative to Dismiss the Complaint</i> to Eastern District of California. filed by Jelly Belly Candy Company. (Thomas, David) (Entered: 11/01/2022)
11/01/2022	<u>9</u>	DECLARATION re <u>7</u> MOTION to Transfer Case <i>or in the Alternative to Dismiss the Complaint</i> to Eastern District of California. <i>Declaration of David Thomas</i> by Jelly Belly Candy Company. (Thomas, David) (Entered: 11/01/2022)
11/01/2022	<u>10</u>	DECLARATION re <u>7</u> MOTION to Transfer Case <i>or in the Alternative to Dismiss the Complaint</i> to Eastern District of California. <i>Declaration of Robert Swaigen</i> by Jelly Belly Candy Company. (Thomas, David) (Entered: 11/01/2022)
11/16/2022	<u>11</u>	

MOTION for Leave to Appear Pro Hac Vice for admission of Kurt A. Kappes Filing fee: \$ 100, receipt number AMADC-9590775 by Jelly Belly Candy Company. (Attachments: # 1 Affidavit Affidavit of Kurt A. Kappes in Support of His Motion to Appear Pro Hac Vice)(Thomas, David) (Entered: 11/16/2022)

11/16/2022	<u>12</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Eric D. Wong Filing fee: \$ 100, receipt number AMADC-9590814 by Jelly Belly Candy Company.(Thomas, David) (Entered: 11/16/2022)
11/16/2022	<u>13</u>	AFFIDAVIT in Support of Motion for Admission Pro Hac Vice of Eric D. Wong. (Thomas, David) (Entered: 11/16/2022)
11/16/2022	<u>14</u>	STATE COURT Record. (Thomas, David) (Entered: 11/16/2022)
12/15/2022	<u>15</u>	<p>District Judge Angel Kelley: ELECTRONIC ORDER entered <b>GRANTING</b> <u>11</u> Motion for Leave to Appear Pro Hac Vice. Added Kurt A. Kappes.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual upgraded PACER account, not a shared firm account, to electronically file in the District of Massachusetts. Counsel may need to link their CM/ECF account to their upgraded individual pacer account.</b> Instructions on how to link CM/ECF accounts to upgraded pacer account can be found at <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account">https://www.mad.uscourts.gov/caseinfo/nextgen-current-pacer-accounts.htm#link-account</a>.</p> <p>(Pacho, Arnold) (Entered: 12/15/2022)</p>
12/15/2022	<u>16</u>	<p>District Judge Angel Kelley: ELECTRONIC ORDER entered <b>GRANTING</b> <u>12</u> Motion for Leave to Appear Pro Hac Vice. Added Eric D. Wong.</p> <p><b>Attorneys admitted Pro Hac Vice must have an individual PACER account, not a shared firm account, to electronically file in the District of Massachusetts. To register for a PACER account, go the Pacer website at <a href="https://pacer.uscourts.gov/register-account">https://pacer.uscourts.gov/register-account</a>. You must put the docket number on your form when registering or it will be rejected.</b></p> <p>Pro Hac Vice Admission Request Instructions  <a href="https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm">https://www.mad.uscourts.gov/caseinfo/nextgen-pro-hac-vice.htm</a>.</p> <p>A Notice of Appearance must be entered on the docket by the newly admitted attorney.</p> <p>(Pacho, Arnold) (Entered: 12/15/2022)</p>
12/30/2022	<u>17</u>	<p>District Judge Angel Kelley: ELECTRONIC ORDER entered. This Court may transfer a case before it to any district or division in which the matter could have been brought if it finds that doing so would be in the interest of justice. 28 U.S.C. § 1406(a),</p> <p>Defendant has moved to transfer this action to the Eastern District of California. [Dkt. 7]. Plaintiff has not opposed this motion. Massachusetts is not a proper venue here because it has no relationship to the parties or the Plaintiff's claims. Neither the Plaintiff nor the Defendant reside in Massachusetts. [Dkt. 7 at 1]. None of the events alleged by Plaintiff in his complaint occurred in Massachusetts and none of the alleged injury was suffered here. [<u>Id.</u>]. Furthermore, currently there is previously filed action pending in the Eastern District of California involving the same issues Plaintiff raises here. [<u>Id.</u>]. Venue in California is proper under 28 U.S.C. § 1391(b)(2) because Jelly Belly incorporated and headquartered in California, where a substantial part of the alleged events occurred. [Dkt. 8 at 8]. California would also be a more convenient venue for witnesses. [<u>Id.</u>]. The Court finds that it would be inconvenient for the parties involved to litigate in Massachusetts.</p>

Defendant Jelly Belly Candy Company's Motion to Transfer this action to the District Court for the Eastern District of California is hereby **GRANTED**.

(Lara, Miguel) (Entered: 12/30/2022)

12/30/2022	18	District Judge Angel Kelley: ELECTRONIC ORDER entered. The order entered at Dkt. No. 17 is <b>VACATED</b> as it was entered in error. (Lara, Miguel) (Entered: 12/30/2022)
12/30/2022	19	District Judge Angel Kelley: ELECTRONIC ORDER entered. The parties are ordered to clarify whether Plaintiff received notice of the motion to transfer [Dkt. 7]. Plaintiff's counsel was not registered through ECF and did not automatically receive notice of new filings. The motion to transfer stated that paper copies were provided to parties not-registered participants on November 1, 2022. The parties should provide an update on whether Plaintiff's Counsel, Farva Jafri, received an aforementioned paper copy. (Lara, Miguel) (Entered: 12/30/2022)
12/30/2022	20	Letter/request (non-motion) from David Thomas . (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Thomas, David) (Entered: 12/30/2022)
01/03/2023	21	Letter to Judge Kelley from Plaintiff David Klein. (Pacho, Arnold) (Entered: 01/03/2023)
01/04/2023	22	<p>District Judge Angel Kelley: ELECTRONIC ORDER entered. Defendant moved to transfer this case to the Eastern District of California on November 1, 2022. [Dkt. 7]. Defendant emailed the motion papers to Plaintiff's counsel that same day and mailed hard copies on November 2, 2022. [Dkt. 20]. This information was provided to Plaintiff via his counsel well before Plaintiff on January 3, 2023 informed the Court that he was no longer represented by his attorney. In light of Defendant's filing demonstrating that Plaintiff's attorney received notice and a copy of the motion to transfer via email and physical mail, the Court renews the below order previously entered at [Dkt. 17].</p> <p>Defendant has moved to transfer this action to the Eastern District of California. [Dkt. 7]. Massachusetts is not a proper venue here because it has no relationship to the parties or the Plaintiff's claims. Neither the Plaintiff nor the Defendant reside in Massachusetts. [Dkt. 7 at 1]. None of the events alleged by Plaintiff in his complaint occurred in Massachusetts and none of the alleged injury was suffered here. [Id.]. Furthermore, currently there is previously filed action pending in the Eastern District of California involving the same issues Plaintiff raises here. [Id.]. Venue in California is proper under 28 U.S.C. § 1391(b)(2) because Jelly Belly incorporated and headquartered in California, where a substantial part of the alleged events occurred. [Dkt. 8 at 8]. California would also be a more convenient venue for witnesses. [Id.]. The Court finds that it would be inconvenient for the parties involved to litigate in Massachusetts.</p> <p>Defendant Jelly Belly Candy Company's Motion to Transfer this action to the District Court for the Eastern District of California is hereby <b>GRANTED</b>.</p> <p>(Lara, Miguel) (Entered: 01/04/2023)</p>
01/05/2023	23	Letter to Judge Kelley re [Dkt. 22] Order from Plaintiff David Klein. (Attachments: # <u>1</u> Exhibit A) (Pacho, Arnold) (Entered: 01/05/2023)
01/06/2023	24	Case transferred to the Eastern District of California. Original case file electronically sent to the Clerk in that district. (Pacho, Arnold) (Entered: 01/06/2023)